

**COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTERS	<input type="checkbox"/>	DATE	<u>August 30, 2006</u>
MOTOR CARRIER MATTERS	<input type="checkbox"/>	DOCKET NO.	<u>2000-527-C</u>
UTILITIES MATTERS	<input checked="" type="checkbox"/>		

**SUBJECT:**

DOCKET NO. 2000-527-C - Petition By AT&T Communications of the Southern States, Incorporated for Arbitration of Certain Terms and Conditions of a Proposed Agreement with BellSouth Telecommunications, Incorporated Pursuant to 47 U.S.C. Section 252 – Discuss with the Commission BellSouth Telecommunications, Incorporated's Motion to Vacate (or in the Alternative Reverse) those Portions of Orders Nos. 2001-79 and 2001-147 that address issue No. 6 Filed by Patrick W. Turner, Esquire.

**COMMISSION ACTION:**

This is an arbitration on remand from the federal district court. I have the following motion which disposes of the remanded docket. In light of the current non-participation of and the absence of any contrary argument from AT&T, I am persuaded by the following uncontested argument from BellSouth's motion to vacate which was filed with the Commission on August 7, 2006. As stated in that motion, vacating the portions of arbitration Order #'s 2001-079 and 2001-147 that address Arbitration Issue No. 6 "would not prejudice the rights of the parties to this or any future proceedings before the Commission – the parties to this proceeding agree that the decision no longer has any practical effect on how BellSouth and AT&T interconnect with each other, and parties to future proceedings in which the issue may arise will be free to argue from a "clean slate" as far as Commission precedent is concerned. Additionally, vacating the Commission decision on Issue No. 6 makes it more likely that all interested parties will fully and effectively participate in the Commission's consideration and resolution of the issue (if it arises again). In contrast, if the Commission decides the merits of the issue in this proceeding, it appears that it will do so without the participation of one of the primary parties to the dispute."

Therefore, I move that this Commission vacate the portions of Orders # 2001-079 and 2001-147 that address Issue No. 6 in the above-docketed arbitration.

PRESIDING	<u>Hamilton</u>				Session:	Regular
	MOTION	YES	NO	OTHER	Time of Session	<u>2:30 PM</u>
CLYBURN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		APPROVED	_____
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		APPROVED STC 30 DAYS	_____
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		ACCEPTED FOR FILING	_____
HOWARD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Absent	DENIED	_____
MITCHELL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		AMENDED	_____
MOSELEY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		TRANSFERRED	_____
WRIGHT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		SUSPENDED	_____
					CANCELED	_____
					SET FOR HEARING	_____
					ADVISED	_____
					CARRIED OVER	_____
					RECORDED BY	<u>SCHMIEDING</u>

Commissioner Howard was on Annual Leave.